

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK J. McGARVEY
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the
Social Security Administration,
Defendant.

CIVIL ACTION

NO. 10-3955

FILED

SEP - 9 2011


MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 9 day of SEP, 2011, upon independent review of Plaintiff's Brief and Statement of Issues in Support of Request for Review (Doc. No. 10), Defendant's Response to Request for Review of Plaintiff (Doc. No. 11), Plaintiff's Reply (Doc. No. 15), and the administrative record, and after careful consideration of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The final decision of the Commissioner denying disability benefits to Plaintiff is **VACATED**; and
3. The matter is **REMANDED** to the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate Judge's Report.

BY THE COURT:


BERLE M. SCHILLER,

J.